

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 0-546-472-960
)	
)	
Petitioner.)	DECISION
_____)	

On July 13, 2022, the Property Tax Division (Property Tax) of the Idaho State Tax Commission (Tax Commission) issued an Intent to Deny Property Tax Reduction Benefit letter (Intent letter) to _____ (Petitioner). Petitioner objected to the Intent letter and Property Tax referred the matter to the Tax Commission’s Appeals unit (Appeals) for administrative review. Appeals sent Petitioner a letter informing her of the options available for redetermining a protested Intent letter. Petitioner responded, requesting an informal hearing which was held on September 19, 2022.

The Tax Commission, having reviewed all information in this matter, issues this final decision. We uphold the Intent letter for the following reasons.

Petitioner filed an application for a property tax reduction benefit with Idaho County on February 8, 2022. Petitioner’s application was forwarded to the Tax Commission for review and processing. The staff, following Idaho Code section 63-707(6), reviewed Petitioner’s application and sent her a letter advising her of the intent to deny her application because of recent legislative changes. Petitioner protested the Intent letter, stating in part...

“...I am an 87 year old Idaho Resident whose home has a reverse mortgage. My sole income comes from Social Security. My loan is an FHA loan funded through HUD as are most reverse mortgages. The Loan Servicer, NOVAD requires me to notify them every year when I pay my taxes. There is no way it would be possible for me or anyone else with a Reverse Mortgage to defer paying taxes...”

Law and Analysis

During the 2022 Idaho legislative session, House Bill 481 amended Idaho Code section 63-705(b) to read as follows:

On and after January 1, 2022, if the current year's assessed value of the home owned by the individual, according to the current year's assessment notice, exceeds the greater of three hundred thousand dollars (\$300,000) or one hundred fifty percent (150%) of the median assessed valuation for all homes in the county receiving the homestead exemption pursuant to section 63-602G, Idaho Code, then the individual will instead be referred to the property tax deferral program set forth in sections 63-712 through 63-721, Idaho Code. Using the current year's assessed values, each county shall report the median assessed value of all properties receiving the homestead exemption in such county as of that date to the state tax commission no later than the first Monday in June. Provided, however, the provisions of this paragraph do not apply to a veteran with either a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs.

During review of Petitioner's application and information received from the Idaho County assessor's office, Property Tax learned the 2022 assessed value of Petitioner's home is \$437,186 and 150% of the median value of homes in Idaho County is \$345,915. With an assessed value of \$437,186 Petitioner's home exceeds the greater of \$300,000 or 150% of the median value of properties in Idaho County.

Idaho Code section 63-705(b) describes the requirements, as it relates to current assessment values, for an applicant to qualify for the property tax reduction benefit. The requirements are very specific. The law must be followed as written. If the law is socially or economically unsound, the power to correct it is legislative, not within the powers of the Tax Commission. *John Hancock Mutual Life Insurance Co. v. Neill*, 79 Idaho 385, 319 P.2d 195 (1957).

Conclusion

The Tax Commission must follow the law as written. The 2022 assessed value of

Petitioner's home, exceeds the greater of \$300,000 or 150% of the median assessed valuation for all homes in Idaho County receiving a homestead exemption. Their application for a 2022 property tax reduction benefit must be denied.

THEREFORE, the Intent to Deny Property Tax Reduction Benefit letter dated July 13, 2022, is APPROVED and MADE FINAL.

An explanation of Petitioner's right to appeal this decision is enclosed.

DATED this _____ day of _____ 2022.

IDAHO STATE TAX COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2022,
a copy of the within and foregoing DECISION was served by sending the same by United States
mail, postage prepaid, in an envelope addressed to:

Receipt No.
